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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Report of the Third Committee

Rapporteur: Mr. Suljuk Mustansar **Tarar** (Pakistan)

I. Introduction

1. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-seventh session the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 32nd and 33rd meetings, on 7 November 2012 and considered proposals and took action at its 36th, 38th, 41st and 47th meetings on 13, 14, 20 and 28 November 2012. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/67/SR.32, 33, 36, 38, 41 and 47).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the United Nations High Commissioner for Refugees (A/67/12);

(b) Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (A/67/12/Add.1);

(c) Report of the Secretary-General on assistance to refugees, returnees and displaced persons in Africa (A/67/323).

4. At the 32nd meeting, on 7 November, the United Nations High Commissioner for Refugees made an introductory statement and engaged in a dialogue with the representatives of Afghanistan, the Russian Federation, the United States of

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America, Norway, the Syrian Arab Republic, Kenya, Mauritania, Cameroon, Iraq and Ethiopia (see A/C.3/67/SR.32).

II. Consideration of proposals

A. Draft resolution A/C.3/67/L.31

5. At the 36th meeting, on 13 November, the representative of Norway, on behalf of Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, the Netherlands, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, introduced a draft resolution entitled "Office of the United Nations High Commissioner for Refugees" (A/C.3/67/L.31). Subsequently, Armenia, Azerbaijan, Burkina Faso, Burundi, Cameroon, Colombia, Honduras, Micronesia (Federated States of), New Zealand, Paraguay, the Philippines, the Republic of Moldova, Timor-Leste, Tunisia and Uganda joined in sponsoring the draft resolution.[1]

6. At its 38th meeting, on 14 November, the Committee adopted draft resolution A/C.3/67/L.31 (see para. 12, draft resolution I).

7. After the adoption of the draft resolution, a statement was made by the representative of Kenya (see A/C.3/67/SR.38).

B. Draft resolution A/C.3/67/L.61

8. At the 41st meeting, on 20 November, the representative of Liberia (on behalf of the Group of African States) introduced a draft resolution entitled "Assistance to refugees, returnees and displaced persons in Africa" (A/C.3/67/L.61). Subsequently, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Croatia, Estonia, Finland, Georgia, Greece, Haiti, Honduras, Iceland, Ireland, Italy, Lithuania, Luxembourg, Mexico, Montenegro, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

9. At the 47th meeting, on 28 November, the representative of Liberia orally revised the draft resolution as follows:

(a) In the fourth preambular paragraph, the words "other persons of concern" were replaced by the words "displaced persons";

[1] Subsequently, Chile indicated that it had intended to sponsor the draft resolution.

(b) In the fifth preambular paragraph, the phrase "and displaced persons" was inserted after the word "refugees";

(c) The tenth preambular paragraph, which read:

"*Acknowledging with appreciation* the generosity, hospitality and spirit of solidarity of African countries that continue to host the influx of refugees due to the humanitarian crises and protracted refugee situations on the continent and, in this regard, expressing particular appreciation for the commitment and efforts of neighbouring countries in the recent humanitarian crises in Côte d'Ivoire, Libya and the Horn of Africa, and the recent crises in the Democratic Republic of the Congo, Mali and the Sahel, and further acknowledging with appreciation the coordination of humanitarian assistance by the United Nations as well as the continuing efforts of donors, the United Nations system, including the Office of the United Nations High Commissioner for Refugees, regional organizations, international agencies, non-governmental organizations and other partners, with regard to, inter alia, voluntary return, reintegration and resettlement, in addressing the plight of refugees during the emergency",

was replaced by:

"*Acknowledging with appreciation* the generosity, hospitality and spirit of solidarity of African countries that continue to host the influx of refugees due to the humanitarian crises and protracted refugee situations, and in this regard expressing particular appreciation for the commitment and efforts of neighbouring countries in the recent humanitarian crises on the continent, and furth - acknowledging with appreciation the coordination of humanitarian assistance by the United Nations as well as the continuing efforts of donors, the United Nations system, including the Office of the United Nations High Commissioner for Refugees, regional organizations, international agencies, non-governmental organizations and other partners, with regard to, inter alia, voluntary return, reintegration and resettlement, in addressing the plight of refugees during the emergency";

(d) At the end of operative paragraph 19, the words "and encourages African States that have not yet done so to consider ratifying and enforcing the Convention on the Safety of United Nations and Associated Personnel" were added.

10. At its 47th meeting, on 28 November, the Committee adopted draft resolution A/C.3/67/L.61, as orally revised (see para. 12, draft resolution II).

11. After the adoption of the draft resolution, the representative of Cyprus made a statement on behalf of the European Union (see A/C.3/67/SR.47).

III. Recommendations of the Third Committee

12. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-third session[2] and the decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner,

Commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities,

Underlining its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, which is aimed at strengthening the international protection regime and at assisting Governments in meeting their protection responsibilities;

2. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-third session;[2]

3. *Acknowledges* the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees[3] and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness[4] in 2011, expresses appreciation for the convening and facilitation by the United Nations High Commissioner for Refugees of an intergovernmental ministerial event[5] in recognition of the importance of respecting and upholding the values and principles enshrined in those two instruments, and

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[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 12* (A/67/12).

[2] Ibid., *Supplement No. 12A* (A/67/12/Add.1).

[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] Ibid., vol. 989, No. 14458.

[5] Intergovernmental event held on 7 and 8 December 2011 at the ministerial level of States Members of the United Nations on the occasion of the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness.

welcomes the adoption at that meeting of a ministerial communiqué, as well as the submission of pledges by one hundred and five States and three international organizations;

4. *Reaffirms* the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto[6] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction the number of States that are now parties to one or both instruments, encourages States not parties to consider acceding to those instruments, underlines, in particular, the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

5. *Welcomes* pledges by States to accede to the statelessness conventions, the 1954 Convention relating to the Status of Stateless Persons[7] and the 1961 Convention on the Reduction of Statelessness, as well as pledges to remove reservations to them, also welcomes the recent increase in the number of accessions to the two Conventions, notes the work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

7. *Also re-emphasizes* that prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

8. *Further re-emphasizes* that protection of and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

9. *Encourages* the Office of the High Commissioner to continue responding adequately, in cooperation with States, to emergencies, and to pursue its efforts to strengthen its emergency capacity and thereby ensure a more predictable response to coordinated inter-agency efforts;

10. *Takes note* of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

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[6] United Nations, *Treaty Series*, vol. 606, No. 8791.

[7] Ibid., vol. 360, No. 5158.

11. *Encourages* the Office of the High Commissioner to work in partnership and in full cooperation with relevant national authorities, United Nations offices and agencies, international and intergovernmental organizations, regional organizations and non-governmental organizations to contribute to the continued development of humanitarian response capacities at all levels, and recalls the role of the Office as the leading entity of the cluster for protection, camp coordination and management and emergency shelter in complex emergencies;

12. *Also encourages* the Office of the High Commissioner, among other relevant United Nations and other relevant intergovernmental organizations and humanitarian and development actors, to continue to work with the Office for the Coordination of Humanitarian Affairs of the Secretariat to enhance the coordination, effectiveness and efficiency of humanitarian response and to contribute, in consultation with States, as appropriate, to making further progress towards common humanitarian needs assessments, as stated, among other important issues, in General Assembly resolution 66/119 of 15 December 2011 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations;

13. *Further encourages* the Office of the High Commissioner to engage in and implement in full the objectives of the "Delivering as one" initiative;

14. *Notes with appreciation* the progress made in the process of structural and management change to reinforce the capacity of the Office of the High Commissioner, and encourages the Office to focus on continuous improvement in order to enable a more efficient response to the needs of beneficiaries and to ensure the effective and transparent use of its resources;

15. *Strongly condemns* attacks on refugees, asylum seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all States concerned and, where applicable, parties involved in an armed conflict to take all measures necessary to ensure respect for human rights and international humanitarian law;

16. *Expresses deep concern* about the increasing number of attacks against humanitarian aid workers and convoys and, in particular, the loss of life of humanitarian personnel working in the most difficult and challenging conditions in order to assist those in need;

17. *Emphasizes* the need for States to ensure that perpetrators of attacks committed on their territory against humanitarian personnel and United Nations and associated personnel do not operate with impunity and that the perpetrators of such acts are promptly brought to justice as provided for by national laws and obligations under international law;

18. *Deplores* the refoulement and unlawful expulsion of refugees and asylum seekers, and calls upon all States concerned to ensure respect for the relevant principles of refugee protection and human rights;

19. *Notes with concern* that asylum seekers, refugees and stateless persons are subject to arbitrary detention in some situations, welcomes the increasing use of alternatives to detention, and emphasizes the need for States to limit detention of asylum seekers, refugees and stateless persons to that which is necessary;

20. *Expresses concern* at the large number of asylum seekers who have lost their lives at sea trying to reach safety, and encourages international cooperation to further strengthen search and rescue mechanisms;

21. *Emphasizes* that the international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

22. *Affirms* the importance of age, gender and diversity mainstreaming in analysing protection needs and ensuring the participation of refugees and other persons of concern to the Office of the High Commissioner, as appropriate, in the planning and implementation of programmes of the Office and State policies, also affirms the importance of according priority to addressing discrimination, gender inequality and the problem of sexual and gender-based violence, recognizing the importance of addressing the protection needs of women and children in particular, and underlines the importance of continuing to work on those issues;

23. *Recognizes* that birth registration provides an official record of a child's legal identity and is crucial to preventing and reducing statelessness, and welcomes pledges by States to ensure the birth registration of all children;

24. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

25. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions;

26. *Recognizes* the importance of achieving durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees;

27. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, relevant United Nations agencies, international and intergovernmental organizations, regional organizations, as appropriate, non-governmental organizations and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes an approach to sustainable and timely return that

encompasses repatriation, reintegration, rehabilitation and reconstruction activities; and encourages States, in cooperation with relevant United Nations agencies, international and intergovernmental organizations, regional organizations, non governmental organizations and development actors, to support, inter alia, through the allocation of funds, the implementation of such a framework to facilitate an effective transition from relief to development;

28. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

29. *Calls upon* States to create opportunities for resettlement as a durable solution, recognizes the need to increase the number of resettlement places and to improve the integration of resettled refugees, calls upon States to ensure inclusive and non-discriminatory policies in their resettlement programmes, and notes that resettlement is a strategic tool for the protection of and solutions for refugees;

30. *Notes with appreciation* the activities undertaken by States to strengthen the regional initiatives that facilitate cooperative policies and approaches on refugees, and encourages States to continue their efforts to address, in a comprehensive manner, the needs of the people who require international protection in their respective regions, including the support provided for host communities that receive large numbers of persons who require international protection;

31. *Notes* the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and also notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

32. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

33. *Expresses concern* about the challenges associated with climate change and environmental degradation to the operations of the Office of the High Commissioner and the assistance it provides to vulnerable populations of concern across the globe, particularly in the least developed countries, and urges the Office to continue to address such challenges in its work, within its mandate, and in consultation with national authorities and in cooperation with competent agencies in its operations;

34. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, whose generosity is appreciated, in particular those that have received large numbers of refugees and asylum seekers, calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and

social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition, and notes with appreciation those donor States, organizations and individuals that contribute to improving the condition of refugees who remain vulnerable members of society;

35. *Expresses deep concern* about the existing and potential challenges posed by the world financial and economic crisis to the activities of the Office of the High Commissioner, and calls upon the Office to further explore ways and means to broaden its donor base, so as to achieve greater burden-sharing by reinforcing cooperation with governmental donors, non-governmental donors and the private sector;

36. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[8] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003, 59/170 of 20 December 2004, 60/129 of 16 December 2005, 61/137 of 19 December 2006, 62/124 of 18 December 2007, 63/148 of 18 December 2008, 64/127 of 18 December 2009, 65/194 of 21 December 2010 and 66/133 of 19 December 2011 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

37. *Requests* the High Commissioner to report on his annual activities to the General Assembly at its sixty-eighth session.

[8] Resolution 428 (V), annex.

Draft resolution II
Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and the African Charter on Human and Peoples' Rights,[2]

Reaffirming that the 1951 Convention relating to the Status of Refugees,[3] together with the 1967 Protocol thereto,[4] as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Welcoming the adoption, and the ongoing ratification process, of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,[5] which marks a significant step towards strengthening the national and regional normative framework for the protection of and assistance to internally displaced persons,

Recognizing the particular vulnerability of women and children among refugees and displaced persons, including exposure to discrimination and sexual and physical abuse, and in this regard acknowledging the importance of preventing and responding to sexual and gender-based violence,

Gravely concerned about the rising number of refugees and displaced persons in various parts of the continent,

Acknowledging the efforts of Member States, the United Nations High Commissioner for Refugees and other stakeholders in improving the situation of refugees, and expressing grave concern about the deteriorating living conditions in many refugee camps in Africa,

Recognizing that refugees, internally displaced persons and, in particular, women and children are at an increased risk of exposure to HIV and AIDS, malaria and other infectious diseases,

Noting with appreciation the Joint Declaration adopted at the joint summit on the Horn of Africa crisis, held in Nairobi on 8 and 9 September 2011,[6] which, inter alia, expressed concern about the mass exodus of refugees into neighbouring countries, as well as the increased number of internally displaced persons due to the current humanitarian crises of drought and famine in the Horn of Africa,

Noting with appreciation also the Pact on Security, Stability and Development in the Great Lakes Region, adopted by the International Conference on the Great Lakes Region in 2006,[7] and its instruments, in particular two of the protocols to the Pact, which are relevant to the protection of displaced persons, namely, the Protocol

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[1] United Nations, *Treaty Series*, vol. 1001, No. 14691.

[2] Ibid., vol. 1520, No. 26363.

[3] Ibid., vol. 189, No. 2545.

[4] Ibid., vol. 606, No. 8791.

[5] Available from www.africa-union.org.

[6] Joint Summit of the Intergovernmental Authority on Development and the East African Community.

[7] Available from www.icglr.org.

on the Protection of and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons,

Acknowledging with appreciation the generosity, hospitality and spirit of solidarity of African countries that continue to host the influx of refugees due to the humanitarian crises and protracted refugee situations, and in this regard expressing particular appreciation for the commitment and efforts of neighbouring countries in the recent humanitarian crises on the continent, and further acknowledging with appreciation the coordination of humanitarian assistance by the United Nations as well as the continuing efforts of donors, the United Nations system, including the Office of the United Nations High Commissioner for Refugees, regional organizations, international agencies, non-governmental organizations and other partners, with regard to, inter alia, voluntary return, reintegration and resettlement, in addressing the plight of refugees during the emergency,

Recognizing that host States have the primary responsibility for the protection of and assistance to refugees on their territory, and the need to redouble efforts to develop and implement comprehensive durable solution strategies, in appropriate cooperation with the international community, and burden- and responsibility-sharing,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem, in appropriate cooperation with the international community,

Acknowledging the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness,[8] in 2011, welcoming in this context the convening, by the Office of the High Commissioner, of an intergovernmental event at the ministerial level on 7 and 8 December 2011 in recognition of the importance of respecting and upholding the values and principles enshrined in those two instruments, and welcoming the adoption of a ministerial communiqué, as well as the submission of pledges by States and relevant efforts at the national level for their implementation,

1. *Takes note* of the reports of the Secretary-General[9] and the United Nations High Commissioner for Refugees;[10]

2. *Calls upon* African Member States that have not yet signed or ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa[5] to consider doing so as early as possible in order to ensure its early entry into force and implementation;

3. *Notes* the need for African Member States to address resolutely the root causes of all forms of forced displacement in Africa and to foster peace, stability and prosperity throughout the African continent so as to forestall flows of refugees;

4. *Notes with great concern* that, despite all the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious, and calls upon States and other

[8] United Nations, *Treaty Series*, vol. 989, No. 14458.

[9] A/67/323.

[10] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 12* (A/67/12).

parties to armed conflict to observe scrupulously the letter and spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. *Welcomes* decisions EX.CL/Dec.686 (XX) and EX.CL/Dec.709 (XXI) on the humanitarian situation in Africa, insofar as they relate to persons of concern to the Office of the United Nations High Commissioner for Refugees, adopted by the Executive Council of the African Union at its twentieth ordinary session, held in Addis Ababa from 23 to 27 January 2012, and at its twenty-first ordinary session, held in Addis Ababa from 9 to 13 July 2012, respectively;

6. *Expresses its appreciation* for the leadership shown by the Office of the High Commissioner, and commends the Office for its ongoing efforts, with the support of the international community, to assist African countries of asylum, including by providing support to vulnerable local host communities, and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

7. *Notes with appreciation* the initiatives taken by the African Union, the Subcommittee on Refugees, Returnees and Internally Displaced Persons of its Permanent Representatives Committee, and the African Commission on Human and Peoples' Rights, in particular the role of its Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa, to ensure the protection of and assistance to refugees, returnees and displaced persons in Africa;

8. *Acknowledges* the important contribution of age, gender and diversity mainstreaming in identifying, through a participatory approach, the protection risks faced by the different members of the refugee communities, in particular the non discriminatory treatment and protection of women, children, persons with disabilities and the elderly;

9. *Affirms* that children, because of their age, social status and physical and mental development, are often more vulnerable than adults in situations of forced displacement, recognizes that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement and statelessness can increase child protection risks, taking into account the particular vulnerability of refugee children to forcible exposure to the risks of physical and psychological injury, exploitation and death in connection with armed conflict, and acknowledges that wider environmental factors and individual risk factors, particularly when combined, may generate different protection needs;

10. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of voluntary return, reintegration and resettlement;

11. *Also recognizes* the importance of early registration and effective registration systems and censuses as a tool of protection and as a means to the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

12. *Recalls* the conclusion on registration of refugees and asylum seekers adopted by the Executive Committee of the Programme of the High Commissioner

at its fifty-second session,[11] notes the many forms of harassment faced by refugees and asylum seekers who remain without any form of documentation attesting to their status, recalls the responsibility of States to register refugees on their territories and, as appropriate, the responsibility of the Office of the High Commissioner or mandated international bodies to do so, reiterates in this context the central role that early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions, and calls upon the Office, as appropriate, to help States to conduct this procedure should they be unable to register refugees on their territory;

13. *Calls upon* the international community, including States and the Office of the High Commissioner and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of refugees, returnees and displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight, facilitating durable solutions for refugees and displaced persons and supporting vulnerable local host communities;

14. *Reaffirms* the importance of timely and adequate assistance and protection for refugees, returnees and displaced persons, also reaffirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with individual refugees, returnees and displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern with regard to situations in which minimum standards of assistance are not met, including those in which adequate needs assessments have yet to be undertaken;

15. *Also reaffirms* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden- and responsibility-sharing among all States;

16. *Further reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, calls upon States, in cooperation with international organizations, within their mandates, to take all measures necessary to ensure respect for the principles of refugee protection and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes that are incompatible with their civilian character, and encourages the High Commissioner to continue efforts, in consultation with States and other relevant actors, to ensure the civilian and humanitarian character of camps;

17. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum seekers, such as refoulement, unlawful expulsion and physical attacks, calls upon States of refuge, in cooperation with international organizations, where appropriate, to take all measures necessary to ensure respect for the principles of refugee protection, including the humane treatment of asylum seekers, notes with interest that the High Commissioner has continued to take steps

[11] Ibid., *Fifty-sixth Session, Supplement No. 12A* (A/56/12/Add.1), chap. III, sect. B.

to encourage the development of measures to better ensure the civilian and humanitarian character of asylum, and encourages the High Commissioner to continue those efforts, in consultation with States and other relevant actors;

18. *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of staff members of the Office of the High Commissioner and other humanitarian organizations and an obstacle to the effective fulfilment of the mandate of the Office and the ability of its implementing partners and other humanitarian personnel to discharge their respective humanitarian functions, urges States, parties to conflict and all other relevant actors to take all measures necessary to protect activities related to humanitarian assistance, prevent attacks on and kidnapping of national and international humanitarian workers and ensure the safety and security of the personnel and property of the Office and that of all humanitarian organizations discharging functions mandated by the Office, and calls upon States to investigate fully any crime committed against humanitarian personnel and bring to justice the persons responsible for such crimes;

19. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the protection system for refugees, asylum seekers and internally displaced persons, and encourages African States that have not yet done so to consider ratifying and enforcing the Convention on the Safety of United Nations and Associated Personnel;

20. *Calls upon* the Office of the High Commissioner, the international community and other entities concerned to continue and, where appropriate, intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities, in particular those Governments that have received large numbers of refugees and asylum seekers;

21. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

22. *Also reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return, recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin, in particular that voluntary repatriation can be accomplished in conditions of safety and dignity, and urges the High Commissioner to promote sustainable return through the development of durable and lasting solutions, particularly in protracted refugee situations;

23. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

24. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden- and responsibility-sharing, to the third-country resettlement needs of African refugees, notes in this regard the importance of using resettlement strategically, as part of situation-specific comprehensive responses to refugee situations, and to this end encourages States, the Office of the High Commissioner and other relevant partners to make full use of the Multilateral Framework of Understandings on Resettlement,[12] where appropriate and feasible;

25. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum as well as internally displaced persons, where appropriate;

26. *Urges* the international community, in the spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, inter alia, as a result of repatriation possibilities, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

27. *Encourages* the Office of the High Commissioner and interested States to identify protracted refugee situations which might lend themselves to resolution through the development of specific, multilateral, comprehensive and practical approaches to resolving such refugee situations, including the improvement of international burden- and responsibility-sharing and the realization of durable solutions, within a multilateral context;

28. *Expresses grave concern* about the plight of internally displaced persons in Africa, notes the efforts of African States in strengthening the regional mechanisms for the protection of and assistance to internally displaced persons, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,[13] takes note of the current activities of the Office of the High Commissioner related to the protection of and assistance to internally displaced persons, including in the context of inter agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

29. *Invites* the Special Rapporteur on the human rights of internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance

[12] Available from www.unhcr.org.

[13] E/CN.4/1998/53/Add.2, annex.

with his mandate, and to include information thereon in his reports to the Human Rights Council and the General Assembly;

30. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its sixty-eighth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions".